

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America)

v.)

-01 Luis LOPEZ, YOB: 2000)

-02 Monica LOPEZ, YOB: 1979)

Case No. 7:19 mj 50

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 9, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 554, & 2

Offense Description

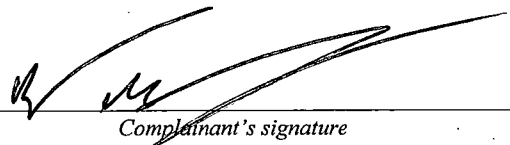
Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: AK-47 type semi-automatic rifles, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.

Approved:

Robert Wilk, ASST
1/8/2019


Complainant's signature

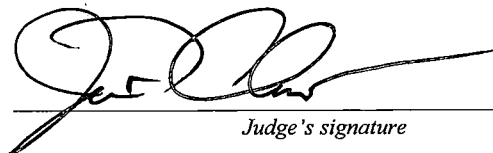
Ryan McTaggart Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

1/8/19 - 2:47 PM



Judge's signature

City and state:

McAllen, Texas

Juan F. Alanis United States Magistrate Judge

Printed name and title

Attachment "A"

On January 7, 2019, Homeland Security Investigations (HSI) Special Agents (SA) received information regarding the potential sale of multiple firearms, which were intended to be smuggled into Mexico.

On January 7, 2019, SAs initiated surveillance of the intended meeting location in Pharr, Texas. Agents next observed a dark colored Kia vehicle arrive at the intended meeting location and park in an area away from the majority of other vehicles in the parking lot. The dark colored Kia vehicle arrived in the evening, during low light conditions, and parked in an area with less lighting than other available parking areas. SAs observed an individual, later identified as Luis Francisco LOPEZ (hereafter referred to as L. LOPEZ) exit the Kia vehicle from the passenger side and approach a second vehicle. L. LOPEZ was then observed making contact with a male subject from the second vehicle. SAs observed L. LOPEZ and the male subject speak with each other before L. LOPEZ and the male subject moved to the rear of the male subject's vehicle. The male subject was then observed opening the rear hatch of the male subject's vehicle.

L. LOPEZ was observed handing an object to the male subject. The agents also observed the Kia vehicle moved from its' original parking space to a different parking space located next to the male subject's vehicle. The Kia Vehicle was maneuvered so that both vehicle's trunks were back to back.

SAs made contact with the male subject, L. LOPEZ, and the additional individuals in the Kia vehicle. The driver of the Kia vehicle was later identified as Monica LOPEZ (hereafter referred to as M. LOPEZ) and detained for further questioning after the male subject's vehicle was determined to contain five (5) AK-47 style firearms.

L. LOPEZ was advised of his Miranda rights and stated that he was willing to speak with SAs without an attorney present. During the interview that followed, L. LOPEZ stated he had

Attachment "A"

been recruited by a co-conspirator in Mexico to travel to Pharr, Texas to purchase firearms which were intended to be smuggled into Mexico.

L. LOPEZ stated he knew it was illegal to smuggle firearms into Mexico.

L. LOPEZ also agreed to place several monitored telephone calls to other co-conspirators and during those calls, the co-conspirators stated they had been attempting to contact both L. LOPEZ and M. LOPEZ, but no one had been answering their telephone calls.

M. LOPEZ was advised of her Miranda rights and stated that she was willing to speak with SAs without an attorney present. During the interview that followed, M. LOPEZ stated she had traveled to Mexico to pick up her son, L LOPEZ and drive L. LOPEZ to purchase something from a friend of his in Pharr, Texas.

M. LOPEZ provided SAs with conflicting statements regarding where L. LOPEZ received the money which L. LOPEZ was going to use to make the purchase from L. LOPEZ's friend and also provided SAs with conflicting stories regarding exactly where M. LOPEZ had picked up L. LOPEZ.

Record checks revealed the Kia vehicle encountered by SAs on January 7, 2019, was registered to M. LOPEZ.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), AK-47 type semi-automatic rifles are determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778). AK-47 type semi-automatic rifles are covered under category I(g) on the USML.